IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 17064 of 2007(F)

PETITIONERS:

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1. P. BHARATHAN,
   PEEDIKAKANDI HOUSE, KOLATHARA P.O., KOZHIKODE.

2. P. NARAYANI,
   PEEDIKAKANDI HOUSE, KOLATHARA P.O., KOZHIKODE.

3. P.C. HAREESH,
   PEEDIKAKANDI HOUSE, KOLATHARA P.O., KOZHIKODE.

BY ADV. SRI.DINESH R.SHENOY
SRI.V.V.UNNIKRISHNAN

RESPONDENTS:

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1. THE TAHSILDAR,
   KOZHIKODE TALUK, TALUK OFFICE, KOZHIKODE.

2. THE VILLAGE OFFICER,
   VILLAGE OFFICE, OLAVANNA VILLAGE,
   KUNNATHUPALAM, KOZHIKODE.

3. THE OLAVANNA GRAMA PANCHAYATH,
   REP. BY ITS SECRETARY, OLAVANNA GRAMA PANCHAYATH,
   KUNNATHUPALAM, KOZHIKODE.

R1-R2 BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR
R3 BY ADV. SRI.P.V.KUNHIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 17064 OF 2007)

PETITIONERS' EXTS.:

EXT.P1: TRUE PHOTOCOPY OF THE PROCEEDINGS OF THE DEPUTY DIRECTOR OF PANCHAYATS, KOZHIKODE DATED 21.12.1977.

EXT.P2: TRUE COPY OF THE RECEIPT DT. 4.12.2004 EVIDENCING PAYMENT OF TAX BY THE 1ST PETITIONER.

EXT.P2(a): TRUE COPY OF THE RECEIPT DATED 2.1.1993 EVIDENCING PAYMENT OF TAX.

EXT.P2(b): TRUE COPY OF THE RECEIPT DATED 22.2.1995 EVIDENCING PAYMENT OF TAX.

EXT.P2(c): TRUE COPY OF THE RECEIPT DATED 20.12.1996 EVIDENCING PAYMENT OF TAX.

EXT.P2(d): TRUE COPY OF THE RECEIPT DATED 26.7.1995 EVIDENCING PAYMENT OF TAX.

EXT.P2(e): TRUE COPY OF THE RECEIPT DATED 1.11.1994 EVIDENCING PAYMENT OF TAX.

EXT.P3: TRUE PHOTOCOPY OF THE NOTICE DATED 29.5.2007 ISSUED TO THE 1ST PETITIONER.

EXT.P3(a): TRUE COPY OF THE NOTICE DATED 29.5.2007 ISSUED TO THE 2ND PETITIONER.

EXT.P3(b): TRUE COPY OF THE NOTICE DATED 29.5.2007 ISSUED TO THE 3RD PETITIONER.

EXT.P4: TRUE PHOTOCOPY OF THE OBJECTION DATED 2.6.2007 SENT BY THE PETITIONERS.

PIUS C. KURIAKOSE,J.

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W.P.(C) No. 17064 of 2007

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Dated: 9th October, 2007

JUDGMENT

Heard Mr.Dinesh R.Shenoy, counsel for the petitioners, Mr.K.J.Mohammed Anzar, learned Government Pleader for respondents 1 and 2 and Mr.P.V.Kunhikrishnan, counsel for the 3rd respondent-Grama Panchayat. Having regard to the submissions addressed at the Bar and having considered the various exhibits produced on record by the petitioners, I am of the view that this Writ Petition can be disposed issuing the following directions:

The Tahsildar, Kozhikode Taluk, the 1st respondent will consider the notices Exts.P3, P3(a) and P3(b) in the light of Ext.P4 objections filed by the petitioners, hear the petitioners and take a decision as to the finalisation of proceedings proposed under Exts.P3, P3 (a) and P3 (b). Decision as directed above will be taken by the 1st respondent at the earliest and at any rate within two months of receiving copy of this judgment. The view of the third respondent-Panchayat in the matter will also be ascertained by the 1st respondent after issuing notice to the 3rd respondent. Considering the above directions, there

will be a further direction that the stay granted by this court will continue for a period of four months from today.

The Writ Petition is disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**